**Tuesday, April 13, 2010**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT *Pro Tempore*.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Paul wrote to the Corinthians:

“We know that an idol is nothing at all in the world and that there is no God but one.” (I Corinthians 8:4b)

Please, let us pray:

O God, we find ourselves this day wedged between green and plaid, still caught up in the awarding of another Master’s green jacket, and filled with anticipation over the presentation of a Heritage tartan sport coat on Sunday. Meanwhile, may we keep in mind that our appreciation of gifted athletes—individuals whom we do honor—is one thing. But striving to remain Your faithful followers is something else. Dear Lord, help everyone in this State House to have our eyes focused upon You most of all. And may every single thing accomplished by these Senators during the remainder of this legislative term prove to be worthy of You, O loving Lord. In Your name we pray.

Amen.

The PRESIDENT *Pro Tempore* called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

**PRESIDENT PRESIDES**

At 12:20 P.M., the PRESIDENT assumed the Chair.

**MESSAGE FROM THE GOVERNOR**

The following appointments were transmitted by the Honorable Mark C. Sanford:

**Statewide Appointments**

Initial Appointment, South Carolina Commission on Women, with the term to commence October 18, 2009, and to expire October 18, 2013

2nd Congressional District:

Michelle Parsons Kelley, 6318 Oakfield Road, Columbia, SC 29206

Referred to the Committee on Judiciary.

Reappointment, South Carolina State Board of Cosmetology, with the term to commence March 31, 2008, and to expire March 31, 2012

Cosmetologist:

Katherine T. Webb, The Mane Tamers, 227 Cooper Lane, Easley, SC 29642

Referred to the Committee on Labor, Commerce and Industry.

**MESSAGE FROM THE GOVERNOR**

Columbia, S.C., March 31, 2010

Mr. President and Senators:

I am vetoing and returning without my approval S. 19, R. 137:

(R137, S19) -- Senator Fair: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑116‑45 SO AS TO PROVIDE THAT EVERY POLICE/SECURITY DEPARTMENT SHALL IMPLEMENT POLICIES AND PROCEDURES TO GOVERN THEIR OPERATIONS; TO AMEND SECTIONS 59‑116‑10, 59‑116‑20, 59‑116‑30, 59‑116‑50, 59‑116‑60, 59‑116‑80, 59‑116‑100, AND 59‑116‑120, RELATING TO THE ESTABLISHMENT, POWERS, AND OPERATION OF CAMPUS SECURITY DEPARTMENTS, SO AS TO REVISE THE DEFINITION OF THE TERMS “CAMPUS” AND “CAMPUS POLICE OFFICER”, AND TO DEFINE THE TERM “CAMPUS SECURITY OFFICER”, TO PROVIDE THAT THESE PROVISIONS APPLY TO PRIVATE INSTITUTIONS, TO MAKE TECHNICAL CHANGES, TO REVISE THE JURISDICTIONAL BOUNDARY OF A CAMPUS SECURITY OFFICER, AND TO REVISE THE MARKINGS THAT MAY APPEAR ON A CAMPUS POLICE OFFICER’S VEHICLE AND TO PROVIDE FOR THE USE OF CAMPUS UNMARKED VEHICLES; TO AMEND SECTION 59‑116‑50, RELATING TO THE RANKS AND GRADES OF CAMPUS POLICE OFFICERS, SO AS TO DELETE THE TERM “PUBLIC SAFETY DIRECTOR” AND REPLACE IT WITH THE TERM “CHIEF LAW ENFORCEMENT EXECUTIVE”, TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THAT THIS PROVISION APPLIES TO PRIVATE INSTITUTIONS; TO AMEND SECTION 59‑116‑60, RELATING TO CAMPUS POLICE VEHICLES AND RADIO SYSTEMS, SO AS TO SUBSTITUTE THE TERM “CAMPUS POLICE DEPARTMENT” FOR THE TERM “SAFETY AND SECURITY DEPARTMENT”; TO AMEND SECTION 59‑116‑80, RELATING TO IMPERSONATING A CAMPUS POLICE OFFICER, SO AS TO SUBSTITUTE THE TERM “CAMPUS SECURITY DEPARTMENT” FOR THE TERM “SAFETY AND SECURITY DEPARTMENT”; TO PROVIDE THAT THIS PROVISION APPLIES TO A PRIVATE COLLEGE OR UNIVERSITY, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 59‑116‑100, RELATING TO THE PROCESSING OF A PERSON ARRESTED BY A CAMPUS POLICE OFFICER, SO AS TO PROVIDE THAT THIS PROVISION ALSO APPLIES TO THE ARREST OF A PERSON BY A CAMPUS SECURITY OFFICER; TO AMEND SECTION 59‑116‑120, RELATING TO COLLEGES AND UNIVERSITIES EMPLOYING SECURITY PERSONNEL, SO AS TO PROVIDE THAT THIS PROVISION APPLIES TO PRIVATE COLLEGES AND UNIVERSITIES, AND TO MAKE TECHNICAL CHANGES; AND TO REPEAL SECTION 59‑116‑70 RELATING TO THE POSTING OF A BOND BY A CAMPUS POLICE OFFICER BEFORE THE ASSUMPTION OF THEIR DUTIES.

Respectfully submitted,

Mark Sanford

Governor

Received as Information

The veto was ordered placed on the Calendar for consideration tomorrow.

**MESSAGE FROM THE GOVERNOR**

Columbia, S.C., March 31, 2010

Mr. President and Senators:

I am vetoing and returning without my approval S. 964, R. 145:

(R145, S964) -- Senators Pinckney and Davis: AN ACT TO AMEND SECTION 59‑53‑2410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITIES, SO AS TO CREATE THE TECHNICAL COLLEGE OF THE LOWCOUNTRY ENTERPRISE CAMPUS AUTHORITY.

Respectfully submitted,

Mark Sanford

Governor

Received as Information

The veto was ordered placed on the Calendar for consideration tomorrow.

**MESSAGE FROM THE GOVERNOR**

Columbia, S.C., March 31, 2010

Mr. President and Senators:

I am vetoing and returning without my approval S. 191, R. 140:

(R140, S191) -- Senators McConnell, Malloy, Campsen, Sheheen, Rose, Campbell and Knotts: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE “SOUTH CAROLINA REDUCTION OF RECIDIVISM ACT OF 2010” SO AS TO PROVIDE LAW ENFORCEMENT OFFICERS WITH THE STATUTORY AUTHORITY TO REDUCE RECIDIVISM RATES, APPREHEND CRIMINALS AND PROTECT POTENTIAL VICTIMS FROM CRIMINAL ENTERPRISES BY AUTHORIZING WARRANTLESS SEARCHES AND SEIZURES OF PROBATIONERS AND PAROLEES; TO AMEND SECTION 63‑19‑1820, RELATING TO THE BOARD OF JUVENILE PAROLE, SO AS TO PROVIDE THAT BEFORE A JUVENILE MAY BE CONDITIONALLY RELEASED, THE JUVENILE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 63‑19‑1850, RELATING TO CONDITIONAL RELEASE, SO AS TO PROVIDE THAT BEFORE A JUVENILE MAY BE CONDITIONALLY RELEASED, THE JUVENILE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24‑19‑110, RELATING TO THE PROCEDURE FOR CONDITIONAL RELEASE OF YOUTHFUL OFFENDERS, SO AS TO PROVIDE THAT BEFORE A YOUTHFUL OFFENDER MAY BE CONDITIONALLY RELEASED, THE YOUTHFUL OFFENDER MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24‑13‑710, RELATING TO THE GUIDELINES, ELIGIBILITY CRITERIA, AND IMPLEMENTATION OF A SUPERVISED FURLOUGH PROGRAM, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON SUPERVISED FURLOUGH, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24‑13‑720, RELATING TO INMATES WHO MAY BE PLACED WITHIN CERTAIN PROGRAMS, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON SUPERVISED FURLOUGH, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24‑13‑1330, RELATING TO AN ELIGIBLE INMATE’S AGREEMENT TO TERMS AND CONDITIONS, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON PAROLE, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24‑21‑410, RELATING TO THE COURT BEING AUTHORIZED TO SUSPEND IMPOSITION OF SENTENCE FOR PROBATION AFTER CONVICTION, SO AS TO PROVIDE THAT BEFORE A DEFENDANT MAY BE PLACED ON PROBATION, THE DEFENDANT MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT BASED ON REASONABLE SUSPICIONS; TO AMEND SECTION 24‑21‑430, RELATING TO THE CONDITIONS OF PROBATION, SO AS TO PROVIDE THAT THE CONDITIONS IMPOSED MUST INCLUDE THE REQUIREMENT THAT THE PROBATIONER MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT BASED ON REASONABLE SUSPICIONS; TO AMEND SECTION 24‑21‑560, RELATING TO COMMUNITY SUPERVISION PROGRAMS, SO AS TO PROVIDE THAT THE CONDITIONS OF PARTICIPATION MUST INCLUDE THE REQUIREMENT THAT THE OFFENDER MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT; TO AMEND SECTION 24‑21‑640, RELATING TO THE CIRCUMSTANCES WARRANTING PAROLE, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON PAROLE, THE INMATE MUST AGREE TO SEARCH AND SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; AND TO AMEND SECTION 24‑21‑645, RELATING TO THE ORDER AUTHORIZING PAROLE, SO AS TO PROVIDE THAT THE CONDITIONS OF PAROLE MUST INCLUDE THE REQUIREMENT THAT THE PAROLEE MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE.

Respectfully submitted,

Mark Sanford

Governor

Received as Information

The veto was ordered placed on the Calendar for consideration tomorrow.

**Doctor of the Day**

Senator McCONNELL introduced Dr. Alexander Ramsay of Charleston, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator JACKSON at 12:05 P.M., Senator MATTHEWS was granted a leave of absence for the week.

**Leave of Absence**

At 2:15 P.M., Senator CLEARY requested a leave of absence for the week of April 20, 2010.

**Leave of Absence**

At 2:15 P.M., Senator LOURIE requested a leave of absence for Thursday, April 15, 2010.

**Leave of Absence**

At 2:15 P.M., Senator THOMAS requested a leave of absence for tomorrow.

**Expression of Personal Interest**

Senator SETZLER rose for an Expression of Personal Interest.

**Remarks by Senator SETZLER**

Mr. PRESIDENT, Ladies and Gentlemen, I would like to get your attention. I do not know where to begin or what to say.

The Senator from Richland, the Chairman of the Education Committee and my successor in that role--Senator COURSON--asked this morning that when this Senate adjourns, it adjourn in honor and memory of Mike Mungo. There is a lot that can be said about Mike Mungo. I am probably the person in the General Assembly who was the closest to Mike Mungo, even though he was not a constituent of mine. He was a constituent of the Senator from Richland.

I have had the pleasure of calling Mike Mungo my friend for over forty years, and he spent every election night with me in my office as the election returns came in. I can tell you that Mike Mungo contributed his life to the betterment of South Carolina and to the people of South Carolina, and I would like to share some sentiments about him.

Mike Mungo was an unusual individual, and those of you who knew him are aware of this. He was extremely opinionated, but if you were his friend, you were his friend for life, and he would die for you. That was the way he was.

He was an extremely, extremely, successful business person. He was a pioneer in Lexington County and in Richland County, and he had a vision that the City of Columbia along with the Counties of Lexington and Richland were going to grow to the suburbs.

He started his drywall business as a student at the University of South Carolina in an effort to put himself through school and get his degree. The rest is history with what he did with the Mungo Company, his retirement at age 50, and the continuation of his efforts by his two sons.

But Mike Mungo’s love and passion in life was the University of South Carolina. He loved that university probably more than anyone that I have ever known, and he was thrilled to serve as a Trustee at the University of South Carolina. He did not do it to be known or to get accolades. As a member of the board of trustees and as a member of the Executive Committee of the University of South Carolina, he served because he wanted to make a contribution. He went through a stage when he was not a board member. He was a board member, lost his seat, and subsequently got re-elected. He contributed countless hours to the University of South Carolina. He was a voice in the wilderness when there were issues that needed to be addressed at the University of South Carolina. Mike Mungo was the first to ever raise those issues, not only privately but also publicly. And he stood up, even if he was the only person, for what he thought was right. He asked the tough questions, but if you answered his questions--as one board member told me--he was your advocate from then on.

The other side of Mike Mungo was his personal side. Outside of the university and outside of the business world, it will never be known how many people Mike Mungo helped in life. Paying tuition, giving food to individuals who needed it, helping his church or other churches when they needed it was part of Mike Mungo’s life. He did it all anonymously, as he did not want someone to know that he had helped. And he would be embarrassed today, if he were here, as I am standing here telling these stories.

I talked with Mike Mungo about a week ago. He called me on the phone on an issue and it reminded me of one of my favorite memories. One afternoon, I called my wife and told her that I was going to ride by and see Mike on the way home; therefore, I would not be home for dinner. If you ever visited with Mike, he loved to talk--that was one of his favorite things. I sat in his den with him for about 2 ½ hours listening to stories. The stories were about how he grew up and what he had done to raise himself from nothing to having a great deal. Even with all of his accomplishments, he was not concerned about the wealth he had accumulated, but he wanted to give it to and share it with others.

So, I hope you will join me in celebrating the life of Mike Mungo and remember that he is a shining example for each and every one of us in public service. He did it for the good of the people, he did it to make South Carolina a better State, and he did it for the right reasons.

I am proud to say that he was my friend. I am proud to say that our paths crossed in life, and I will be a better person because I knew Mike Mungo.

On motion of Senator COURSON, with unanimous consent, the remarks of Senator SETZLER were ordered printed in the Journal.

**CO-SPONSORS ADDED**

The following co-sponsors were added to the respective Bills:

S. 350 Sen. Grooms

S. 735 Sen. Cromer

S. 741 Sen. Rose

S. 980 Sen. Rose

S. 1030 Sen. Davis

S. 1184 Sen. Campsen

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1341 -- Senator Courson: A CONCURRENT RESOLUTION RECOGNIZING THE DILIGENT EFFORTS OF HOME SCHOOLING PARENTS AND THE ACADEMIC SUCCESS OF THEIR STUDENTS, EXPRESSING SINCERE APPRECIATION FOR THEIR FOCUS ON THE WELL-BEING AND OVERALL ACHIEVEMENTS OF THEIR CHILDREN, AND DECLARING APRIL 2010 AS HOME SCHOOL RECOGNITION MONTH.

l:\s-res\jec\014home.mrh.jec.docx

The Concurrent Resolution was adopted, ordered sent to the House.

S. 1342 -- Senators Courson, Jackson, Lourie and Scott: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR ROBERT D. COBLE, UPON THE OCCASION OF HIS RETIREMENT, AFTER TWENTY YEARS OF FAITHFUL SERVICE AS MAYOR OF THE CITY OF COLUMBIA, AND TO WISH HIM MUCH SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

l:\council\bills\gm\24474ahb10.docx

The Concurrent Resolution was adopted, ordered sent to the House.

S. 1343 -- Senators Malloy, Knotts, Campsen and McConnell: A CONCURRENT RESOLUTION TO PROVIDE THAT THE STATE OF SOUTH CAROLINA OPPOSES THE FEDERAL MANDATE THAT A STATE ENACT A LAW TO REQUIRE THE REVOCATION, SUSPENSION, ISSUANCE, OR REINSTATEMENT DELAY FOR ALL PERSONS WHO ARE CONVICTED OF CONTROLLED SUBSTANCE OFFENSES; AND TO PROVIDE THAT THE STATE OF SOUTH CAROLINA SHALL OPT OUT OF THE FEDERAL MANDATE WITHOUT THE LOSS OF FEDERAL TRANSPORTATION FUNDS.

l:\s-jud\bills\malloy\jud0053.jjg.docx

Senator MALLOY spoke on the Resolution.

On motion of Senator MALLOY, with unanimous consent, the Concurrent Resolution was introduced and ordered placed on the Calendar without reference.

S. 1344 -- Senators Alexander, Rankin, Hutto, McConnell and Knotts: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, MAY 19, 2010, AS THE TIME TO ELECT A SUCCESSOR TO THE MEMBER OF THE PUBLIC SERVICE COMMISSION FOR THE SECOND DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO THE MEMBER OF THE PUBLIC SERVICE COMMISSION FOR THE FOURTH DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO THE MEMBER OF THE PUBLIC SERVICE COMMISSION FOR THE SIXTH DISTRICT, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2010, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2014; TO ELECT A SUCCESSOR TO THE AT-LARGE SEAT ON THE BOARD OF TRUSTEES FOR CLEMSON UNIVERSITY, WHOSE TERM EXPIRES IN 2012; AND TO ELECT A SUCCESSOR TO THE SECOND DISTRICT, SEAT 3, ON THE BOARD OF TRUSTEES OF FRANCIS MARION UNIVERSITY, WHOSE TERM EXPIRES IN 2014.

l:\s-jud\bills\alexander\jud0048.nc.docx

On motion of Senator ALEXANDER, with unanimous consent, the Concurrent Resolution was introduced and ordered placed on the Calendar without reference.

S. 1345 -- Senators Land and Leventis: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE SECTION OF HIGHWAY 76 IN SUMTER COUNTY FROM THE SUMTER-LEE COUNTY LINE TO ITS INTERSECTION WITH BELL ROAD, AS THE "MAYOR WILLIE M. JEFFERSON HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THE WORDS "MAYOR WILLIE M. JEFFERSON HIGHWAY".

l:\s-resmin\drafting\jcl\015maye.tcm.jcl.docx

Senator LAND spoke on the Resolution.

The Concurrent Resolution was adopted, ordered sent to the House.

S. 1346 -- Senator Leatherman: A SENATE RESOLUTION TO DESIGNATE THE MONTH OF APRIL 2010 AS "DONATE LIFE MONTH" IN SOUTH CAROLINA AND TO ENCOURAGE ALL SOUTH CAROLINA CITIZENS TO RECOGNIZE THE IMPORTANCE OF ORGAN, TISSUE, AND EYE DONATION, TO SIGN UP ON THE SOUTH CAROLINA ORGAN AND TISSUE DONOR REGISTRY, AND TO DISCUSS ORGAN AND TISSUE DONATION WITH THEIR FAMILIES.

l:\s-res\hkl\011nanc.dag.hkl.docx

The Senate Resolution was introduced and referred to the Committee on Medical Affairs.

S. 1347 -- Senators Hayes, Setzler, Matthews and Cromer: A JOINT RESOLUTION TO PROVIDE SCHOOL ASSESSMENT FLEXIBILITY BY ALLOWING SCHOOLS AND SCHOOL DISTRICTS TO ELECTRONICALLY PROVIDE 2010 SCHOOL AND DISTRICT REPORT CARDS, TO PROVIDE THAT WRITING ASSESSMENTS SHALL BE ADMINISTERED TO ONLY GRADES FIVE AND EIGHT, TO PROVIDE THAT A SCHOOL OR SCHOOL DISTRICT SHALL NOT BE REQUIRED TO PUBLISH SCHOOL AND DISTRICT REPORT CARDS IN A NEWSPAPER, TO PROVIDE THAT SCHOOLS MAY OFFER WORKKEYS TO TENTH GRADE STUDENTS USING FUNDS APPROPRIATED FOR PSAT AND PLAN ASSESSMENT, TO PROVIDE THAT CERTAIN SOUTH CAROLINA TEACHER LOAN RECIPIENTS MAY RECEIVE A ONE-YEAR GRACE PERIOD, TO PROVIDE THAT CERTAIN FUNDS MUST BE ALLOCATED ACCORDING TO THE EDUCATION FINANCE ACT, AND TO PROVIDE FOR A TASK FORCE THAT SHALL EXAMINE END-OF-COURSE ASSESSMENTS.

l:\s-res\drafting\rwh\006asse.ebd.rwh.docx

Read the first time and referred to the Committee on Finance.

S. 1348 -- Senator Campsen: A BILL TO AMEND CHAPTER 16, TITLE 12 OF THE 1976 CODE, RELATING TO THE ESTATE TAX, BY ADDING SECTION 12-16-1960 TO PROVIDE THAT THE WILL OR TRUST OF A DECEDENT WHO DIES IN 2010 THAT CONTAINS CERTAIN FORMULAE SHALL BE DEEMED TO REFER TO THE FEDERAL ESTATE TAX LAW AS IT APPLIED ON DECEMBER 31, 2009.

l:\s-financ\drafting\gec\001esta.dag.gec.docx

Read the first time and referred to the Committee on Finance.

S. 1349 -- Senator Leventis: A BILL TO AMEND SECTION 12-36-2120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SALES AND USE TAX EXEMPTIONS FOR PURPOSES OF THE SOUTH CAROLINA SALES AND USE TAX ACT, SO AS TO EXEMPT FROM STATE-IMPOSED SALES AND USE TAX TANGIBLE PERSONAL PROPERTY SOLD OR LEASED TO A PUBLIC INSTITUTION OF HIGHER LEARNING.

l:\council\bills\bbm\9700htc10.docx

Senator LEVENTIS spoke on the Bill.

Read the first time and referred to the Committee on Finance.

S. 1350 -- Senator Leventis: A BILL TO AMEND SECTION 25-1-1150, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VACANCIES IN THE POSITION OF CHIEF OF STAFF, HEADQUARTERS, SOUTH CAROLINA AIR NATIONAL GUARD, SO AS TO FURTHER PROVIDE FOR THE QUALIFICATIONS OF THE OFFICER PROMOTED TO FILL THE VACANCY.

l:\council\bills\nbd\20844sd10.docx

Read the first time and referred to the General Committee.

S. 1351 -- Senators Grooms and Campbell: A BILL TO AMEND SECTION 7-7-120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BERKELEY COUNTY, SO AS TO CREATE NEW PRECINCTS, REDESIGNATE AND RENAME CERTAIN PRECINCTS, AND CHANGE THE MAP DESIGNATION ON WHICH THE LINES OF THOSE PRECINCTS ARE DELINEATED.

l:\council\bills\dka\3957dw10.docx

Read the first time and referred to the Committee on Judiciary.

S. 1352 -- Senator Reese: A BILL TO AMEND SECTION 15-41-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY EXEMPT FROM BANKRUPTCY PROCEEDINGS OR ATTACHMENT, LEVY, AND SALE, SO AS TO REVISE THE MANNER IN WHICH THE VALUE OF THE MAXIMUM HOMESTEAD CREDITOR PROTECTION IS TO BE DETERMINED.

l:\council\bills\ms\7334zw09.docx

Read the first time and referred to the Committee on Judiciary.

S. 1353 -- Senator Ryberg: A BILL TO AMEND CHAPTER 31, TITLE 41 OF THE 1976 CODE, RELATING TO CONTRIBUTIONS AND PAYMENTS TO THE UNEMPLOYMENT TRUST FUND, TO PROVIDE FOR CONTRIBUTIONS TO THE UNEMPLOYMENT TRUST FUND AND THE MANNER IN WHICH THOSE CONTRIBUTIONS ARE CALCULATED, TO PROVIDE NECESSARY DEFINITIONS, AND TO MAKE TECHNICAL AND CONFORMING AMENDMENTS.

l:\s-res\wgr\022escf.kmm.wgr.docx

Read the first time and referred to the Committee on Labor, Commerce and Industry.

S. 1354 -- Senator Lourie: A SENATE RESOLUTION TO CONGRATULATE THE CARDINAL NEWMAN SCHOOL WRESTLING TEAM FOR ITS EXCELLENT SEASON AND FOR PINNING DOWN THE 2010 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS AAA STATE CHAMPIONSHIP TITLE.

l:\council\bills\gm\24473ab10.docx

The Senate Resolution was adopted.

H. 4810 -- Reps. Huggins, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO CONGRATULATE MRS. ANN SCYPHERS RAWL JODIE ON THE OCCASION OF HER SEVENTY-FIFTH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND CONTINUED HEALTH AND HAPPINESS.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 4817 -- Reps. Govan, Ballentine, V. S. Moss, Gunn, Mack, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO CONGRATULATE THE SOUTH CAROLINA BANKERS ASSOCIATION YOUNG BANKERS DIVISION ON WINNING THE AMERICAN BANKERS ASSOCIATION EDUCATION FOUNDATION'S 2009 PERSONAL ECONOMICS PROGRAM AWARD OF EXCELLENCE.

The Concurrent Resolution was adopted, ordered returned to the House.

**REPORTS OF STANDING COMMITTEES**

**Invitation Accepted**

The following invitation was polled favorably from the Invitations Committee and the members voting as follows:

**Poll of the Invitations Committee**

**Polled 11; Ayes 11; Nays 0; Not Voting 0**

**AYES**

Alexander Campsen Cromer

Elliott Ford Knotts

Malloy McGill O’Dell

Reese Verdin

**Total--11**

**NAYS**

**Total--0**

**Wednesday, April 28, 2010 - 12:00 - 2:00 p.m.**

Members of the Senate and Staff, Luncheon, State House Grounds by the **SC ASSOCIATION OF CERTIFIED PUBLIC ACCOUNTANTS**

Senator THOMAS from the Committee on Banking and Insurance submitted a favorable with amendment report on:

S. 1025 -- Senator Cromer: A BILL TO AMEND SECTION 38‑73‑737 OF THE 1976 CODE, RELATING TO DRIVER TRAINING COURSE CREDIT TOWARD LIABILITY AND COLLISION INSURANCE COVERAGE, TO REDUCE THE INITIAL COURSE FROM EIGHT TO SIX HOURS, TO ALLOW FOR A FOUR HOUR REFRESHER COURSE EVERY THREE YEARS, AND TO ALLOW THE DEPARTMENT OF INSURANCE TO PROMULGATE REGULATIONS FOR FIFTY‑FIVE YEARS AND OLDER DRIVER SAFETY INTERNET COURSES.

Ordered for consideration tomorrow.

**HOUSE CONCURRENCE**

S. 1337 -- Senator Cromer: A CONCURRENT RESOLUTION CONGRATULATING THE SALUDA RIVER CLUB ON RECEIVING THE BALA AWARD FROM THE NATIONAL HOME BUILDERS ASSOCIATION.

Returned with concurrence.

Received as information.

**THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.**

**ORDERED ENROLLED FOR RATIFICATION**

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 4514 -- Rep. Cooper: A BILL TO AMEND SECTION 12‑44‑30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO REVISE THE DEFINITION OF “TERMINATION DATE”; AND TO AMEND SECTION 12‑6‑590, AS AMENDED, RELATING TO TREATMENT OF “S” CORPORATIONS FOR TAX PURPOSES, SO AS TO PROVIDE THAT A SPECIFIED AMOUNT OF INCOME TAXES PAID BY RESIDENT AND NONRESIDENT SHAREHOLDERS OF CERTAIN “S” CORPORATIONS MUST BE DEPOSITED INTO A SPECIAL FUND AND DISTRIBUTED BY THE COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT AS GRANTS FOR PUBLIC INFRASTRUCTURE IMPROVEMENTS, WHICH DIRECTLY SUPPORT THE PROJECTS, AND TO PROVIDE FOR GUIDELINES TO ADMINISTER THE FUND AND APPLICATIONS FOR THE GRANTS.

**H. 4514--Recorded Vote**

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the third reading of the Bill.

**THIRD READING BILL**

The following Bill was read the third time and ordered sent to the House of Representatives:

S. 670 -- Senators Malloy and Ford: A BILL TO AMEND SECTION 63‑11‑710, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LOCAL FOSTER CARE REVIEW BOARDS AND THE APPOINTMENT OF MEMBERS TO THESE BOARDS BY THE LEGISLATIVE DELEGATION OF THE REGION SERVED BY THE BOARD, SO AS TO DELETE THE PROVISION REQUIRING THE DELEGATION TO BE NOTIFIED OF VACANCIES BY CERTIFIED MAIL.

**S. 670--Recorded Vote**

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the third reading of the Bill.

**SECOND READING BILLS**

The following Bills, having been read the second time, were ordered placed on the Third Reading Calendar:

S. 1184 -- Senators Malloy, McConnell, Ford, Pinckney and Campsen: A BILL TO AMEND SECTION 63‑7‑430 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MAKING OF FALSE REPORTS OF ABUSE AND NEGLECT, SO AS TO PROVIDE THAT ON A SECOND OR SUBSEQUENT FALSE REPORT MADE WITH BAD FAITH, IF A CIVIL LAWSUIT IS FILED, THE COURT MAY AWARD APPROPRIATE RELIEF AS PERMITTED BY STATE LAW AND THE SOUTH CAROLINA RULES OF COURT; AND TO AMEND CHAPTER 7 OF TITLE 63 OF THE 1976 CODE, SO AS TO ADD SECTION 63‑7‑435, TO PROVIDE THAT IF THE DEPARTMENT DETERMINES THAT AN ALLEGATION OF ABUSE AND NEGLECT IS UNFOUNDED, THE PERSON WRONGFULLY ALLEGED TO HAVE PERPETRATED THE ABUSE OR NEGLECT MAY PETITION THE COURT TO RELEASE THE IDENTITY OF THE MAKER OF THE WRONGFUL COMPLAINT, TO PROVIDE THAT NO PETITION MAY BE FILED AGAINST ANYONE WHO IS REQUIRED TO REPORT ABUSE AND NEGLECT PURSUANT TO SECTION 63‑7‑310, AND TO PROVIDE THAT THE COURT SHALL ORDER THE RELEASE OF THE NAME OF THE MAKER OF THE WRONGFUL ALLEGATION, IF THE REPORT WAS MADE MALICIOUSLY OR IN BAD FAITH.

S. 1328 -- Senators Peeler and Land: A BILL TO AMEND SECTION 56‑3‑2330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MANUFACTURER LICENSE PLATES FOR MOTOR VEHICLES, SO AS TO INCREASE FROM FOUR TO FIVE HUNDRED THE NUMBER OF THESE PLATES THAT MAY BE ISSUED TO A MANUFACTURER AND TO INCREASE FROM TEN TO TWENTY DAYS THE MAXIMUM NUMBER OF CONSECUTIVE DAYS THAT VEHICLES WITH THESE PLATES MAY BE USED IN CONNECTION WITH CIVIC AND SPORTING EVENTS.

H. 3845 -- Reps. T.R. Young, Allen and Kelly: A BILL TO AMEND SECTION 22‑3‑1000, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TIME FOR A MOTION FOR NEW TRIAL AND APPEAL IN MAGISTRATES COURT, SO AS TO INCREASE THE TIME PERIOD IN WHICH A MOTION FOR A NEW TRIAL MAY BE MADE FROM FIVE TO TEN DAYS.

H. 4607 -- Reps. Sandifer, Huggins, Ott, Hutto, Howard, Anderson, Gambrell, Rice, Hayes, Erickson, Bedingfield, Lowe, Brady, G.A. Brown, Pinson, Bowers, Toole, Crawford, Bales, Mack, Allison, Parker, Mitchell, Long, Viers, Sellers, Sottile, Forrester, Horne, Clemmons, Simrill and Cole: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 37‑2‑308 SO AS TO DEFINE NECESSARY TERMS AND PROVIDE PROCEDURES THAT MUST BE FOLLOWED BY MOTOR VEHICLE DEALERS IN ADVERTISEMENTS MADE IN THE COURSE OF SOLICITING FOR THE SALE OR LEASE OF MOTOR VEHICLES; AND TO AMEND SECTION 37‑6‑108, AS AMENDED, RELATING TO ADMINISTRATIVE ENFORCEMENT ORDERS, SO AS TO PROVIDE PENALTIES FOR MOTOR VEHICLE DEALERS WHO VIOLATE THE PROVISIONS OF SECTION 37‑2‑308.

**AMENDED, READ THE SECOND TIME**

S. 836 -- Senator Cromer: A BILL TO AMEND SECTION 51‑13‑80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RULES AND REGULATIONS OF THE RIVERBANKS PARKS COMMISSION, SO AS TO PROHIBIT CERTAIN ACTIVITIES WHILE ON PARK PROPERTY.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Senator CROMER proposed the following amendment (836R004.RWC), which was adopted:

Amend the bill, as and if amended, page 4, by striking all after the enacting words and inserting:

/ SECTION 1. Section 51‑13‑80 of the 1976 Code is amended to read:

“Section 51‑13‑80. ~~The Riverbanks Parks Commission is authorized to adopt and promulgate rules and regulations governing the use of roads, streets, parking facilities and all other facilities upon the lands of the Riverbanks Parks Commission. Such~~ ~~rules and regulations shall not be in conflict with any state law and all state laws are hereby declared to be applicable to the roads, streets and parking facilities under the control of the commission. The rules and regulations authorized herein shall be effective when filed with the Director of the Riverbanks Parks Commission and in accordance with Section 1‑1‑210.~~

~~The Riverbanks Parks Commission is authorized to employ police officers to be commissioned by the Governor who shall enforce all laws, rules and regulations authorized herein and shall, in addition, have authority to issue summonses for violations thereof in the manner provided for South Carolina State Highway Patrolmen.~~

(A) A person who enters Riverbanks Park property may not, without express permission of the executive director:

(1) frighten, annoy, kill, injure, feed, or attempt to frighten, annoy, kill, injure, or feed a mammal, bird, reptile, amphibian, or other animal in the zoo or gardens;

(2) display advertising matter by signs or distribute advertising matter within the park area;

(3) sell or offer for sale goods, wares, services, or merchandise within the park area;

(4) use boisterous, insulting, or profane language or conduct himself in a disorderly, lewd, obscene, or lascivious manner in the park area;

(5) enter a portion of the park which is designated as restricted, enter an area during the hours of the day when the area is not open to the public, or enter the park or recreation area which is closed. The executive director shall post the hours during which the area is open to the public;

(6) keep, permit, or bring a mammal, bird, reptile, amphibian, or other animal, domestic or wild, in a zoo or garden area unless permitted by the Parks Service Animal Guidelines and approved by the executive director;

(7) carry on or about his person or discharge a gun, pistol, or firearm of any kind, including an air gun, bow and arrow, or dangerous weapon within or across the park;

(8) wade, swim, fish, or boat within an area of the zoo or garden not so designated;

(9) drive or propel a vehicle in, over, or through the park area except in areas designated for driving or park purposes;

(10) operate a motor vehicle in the park area at a speed in excess of the posted speed limit;

(11) use the park or its recreation areas, grounds, or facilities to either perform or allow the performance of the following acts, unless the activity is authorized, permitted, or supervised by the executive director or his designees:

(a) wilfully mark, deface, disfigure, injure, tamper with, or displace or remove buildings, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines, or other public utilities or parts or appurtenances, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal;

(b) throw, discharge, or otherwise place or cause to be placed in the waters of a fountain, pond, lake, stream, bay, or other body of water in or adjacent to the park or a tributary, stream, storm sewer, or drain flowing into these waters any substance, matter, or things, liquid or solid, which will or may result in the pollution of these waters;

(c) dig or remove soil, rock, stones, trees, shrubs, or plants, down‑timber or other wood or materials, or make an excavation by tool, equipment, blasting, or other means, except that digging must be permitted in areas designated for this purpose;

(d) damage, cut, carve, transplant, or remove a tree or plant, injure the bark or pick the flowers or seeds of a tree or plant, or attach a rope, wire, or other contrivance to a tree or plant. A person may not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of an area;

(e) bring in or dump, deposit, or leave bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other litter, or place refuse or litter in waters in or contiguous to the park, or anywhere on the grounds, other than in the proper receptacles, where provided;

(f) endanger the safety of a person by conduct or act, prevent a person from using the park or its facilities, or interfere with use in compliance with this section;

(g) build or attempt to build a fire, except at places specifically designated for this purpose or as permitted by the park. A person may not drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper, or other inflammable material within the park;

(h) possess or consume alcoholic beverages, beer, or wine; provided, however, alcoholic beverages, beer, or wine, must be allowed:

(i) when possession and consumption is specifically authorized by the executive director and the event organizer obtains a permit or license if required by the South Carolina Department of Revenue for the possession or consumption of alcoholic beverages, beer, or wine at the event; or

(ii) at private functions, authorized by the executive director, for which the South Carolina Department of Revenue does not require a permit or license for the possession or consumption of alcoholic beverages, beer, or wine;

(i) possess, explode, discharge, or ignite fireworks unless specifically permitted by the park;

(j) park or leave automobiles, trucks, bicycles, unicycles, tricycles, scooters, mopeds, motorcycles, motorbikes, motorized carts, or other motorized vehicles in areas not specifically designated for that purpose or other than at unauthorized times; and

(k) vend, sell, peddle, or offer for sale a commodity or article, except sales conducted by or specifically permitted by the executive director.

(B)(1) ~~Persons violating any of~~ A person who violates the ~~laws within a magistrate’s jurisdiction or any of the rules or regulations of the commission shall~~ provisions of this section must be tried by the magistrate of Richland or Lexington County ~~having~~ who has jurisdiction of the area in which the violation occurred.

(2) ~~Any person violating~~ A person who violates the provisions of ~~any of the rules and regulations of the Commission shall be deemed~~ this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days.

~~All fines and forfeitures collected under the provisions of Sections 51‑13‑50 to 51‑13‑80 shall be forwarded weekly to the Riverbanks Parks Commission by the enforcing magistrate, to be credited to the general operating fund of the District.~~”

SECTION 2. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the amendment.

The amendment was adopted.

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 912 -- Senator Land: A BILL TO AMEND SECTION 17‑22‑950 OF THE 1976 CODE, AS ADDED BY ACT 36 OF 2009, RELATING TO PROCEDURES FOR EXPUNGEMENT OF CRIMINAL CHARGES WHICH HAVE BEEN BROUGHT IN SUMMARY COURT, TO REMOVE THE REQUIREMENT THAT THE COMPLETED EXPUNGEMENT ORDER BE FILED WITH THE CLERK OF COURT.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Judiciary.

The Committee on Judiciary proposed the following amendment (JUD0912.001), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 17-1-40 of the 1976 Code is amended to read:

“Section 17-1-40. (A) A person who, after being charged with a criminal offense and the charge is discharged, proceedings against the person are dismissed, or the person is found not guilty of the charge, the arrest and booking record, files, mug shots, and fingerprints of the person must be destroyed and no evidence of the record pertaining to the charge may be retained by any municipal, county, or state law enforcement agency. Provided, however, that local and state detention and correctional facilities may retain booking records, identifying documentation and materials, and other institutional reports and files under seal, on all persons who have been processed, detained, or incarcerated, for a period not to exceed three years from the date of the expungement order to manage their statistical and professional information needs and, where necessary, to defend such facilities during litigation proceedings except when an action, complaint, or inquiry has been initiated. Information retained by a local or state detention or correctional facility as permitted under this section after an expungement order has been issued is not a public document and is exempt from disclosure. Such information only may be disclosed by judicial order, pursuant to a subpoena filed in a civil action, or as needed during litigation proceedings. A person who otherwise intentionally retains the arrest and booking record, files, mug shots, fingerprints, or any evidence of the record pertaining to a charge discharged or dismissed pursuant to this section is guilty of contempt of court.

(B) A municipal, county, or state agency may not collect a fee for the destruction of records pursuant to the provisions of this section.

(C) This section does not apply to a person who is charged with a violation of Title 50, Title 56, an enactment pursuant to the authority of counties and municipalities as provided by Titles 4 and 5, or any other State criminal offense, if the person is not fingerprinted for the violation.

(D) the State Law Enforcement Division is authorized to promulgate regulations that allow for the electronic transmission of information pursuant to this section. ”

SECTION 2. This act takes effect upon approval by the Governor and applies retroactively. /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 1190 -- Senator Leatherman: A JOINT RESOLUTION TO MAKE CERTAIN FINDINGS BY THE GENERAL ASSEMBLY IN REGARD TO THE SETTLEMENT OF LITIGATION INVOLVING A SITE ACQUIRED BY THE STATE OF SOUTH CAROLINA IN RICHLAND COUNTY FOR THE PROPOSED STATE FARMERS’ MARKET, AND TO CONFIRM AND VALIDATE THE USE OF SPECIFIC TRACTS OF LAND RECEIVED BY THE SOUTH CAROLINA RESEARCH AUTHORITY, AND RICHLAND COUNTY AS PART OF THE SETTLEMENT, AND THE USE OF CERTAIN REVENUES TO MEET OBLIGATIONS CONTINUING UNDER THE SETTLEMENT.

The Senate proceeded to a consideration of the Joint Resolution, the question being the adoption of the amendment proposed by the Committee on Finance.

The Committee on Finance proposed the following amendment (1190FIN003.HKL), which was adopted:

Amend the joint resolution, as and if amended, page 2, SECTION 2, by striking line 18 and inserting:

/ Code; however, once the original acquisition and all outstanding original obligations related to the tract are paid in full, revenues collected pursuant to Article 7, Chapter 1, Title 6 of the 1976 Code must be used only for the purposes set forth in Article 7, Chapter 1, Title 6 of the 1976 Code. /

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

Senator O'DELL spoke on the Joint Resolution.

**CARRIED OVER**

S. 642 -- Senators Alexander, Ford and Knotts: A BILL TO AMEND ARTICLE 31, CHAPTER 5, TITLE 56, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑5‑3890 TO PROVIDE THAT A PERSON UNDER THE AGE OF EIGHTEEN MAY NOT OPERATE A MOTOR VEHICLE WHILE USING A CELL PHONE OR OTHER WIRELESS COMMUNICATIONS DEVICE AND TO PROVIDE FOR PENALTIES AND EXCEPTIONS.

On motion of Senator MALLOY, the Bill was carried over.

S. 1330 -- Senators Peeler and Land: A JOINT RESOLUTION TO PROVIDE THAT IN 2011 AND 2012, THE ANNUAL FEE FOR THE AUTOMOBILE MANUFACTURER STANDARD LICENSE PLATE FOR VEHICLES IN SUCH MANUFACTURER’S EMPLOYEE BENEFIT PROGRAM AND FOR THE TESTING, DISTRIBUTION, EVALUATION, AND PROMOTION OF ITS VEHICLES IS SIX HUNDRED NINETY‑NINE DOLLARS, TO PROVIDE THAT TWENTY DOLLARS OF EACH FEE IS CREDITED TO THE GENERAL FUND OF THE STATE AND THE BALANCE TO LOCAL GOVERNMENTS, AND TO PROVIDE THAT THE ENTIRE FEE AMOUNT BE CREDITED TO THE GENERAL FUND OF THE STATE FOR NONRESIDENT PARTICIPANTS IN THE EMPLOYEE BENEFIT PROGRAM.

On motion of Senator THOMAS, the Joint Resolution was carried over.

H. 3536 -- Reps. J.E. Smith and McLeod: A BILL TO AMEND SECTION 17‑5‑130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE QUALIFICATIONS OF CORONERS, SO AS TO INCREASE THOSE QUALIFICATIONS BY REQUIRING THOSE PERSONS WITH HIGH SCHOOL DIPLOMAS TO ALSO HAVE AT LEAST SIX YEARS’ EXPERIENCE IN THE FIELD, BY REQUIRING THOSE PERSONS WITH A TWO YEAR ASSOCIATE DEGREE TO ALSO HAVE FOUR YEARS OF EXPERIENCE IN THE FIELD, AND BY REQUIRING THOSE PERSONS WITH A FOUR YEAR BACCALAUREATE DEGREE TO ALSO HAVE AT LEAST TWO YEARS OF EXPERIENCE IN THE FIELD; AND TO REQUIRE THAT A CANDIDATE FOR CORONER FILE A SWORN AFFIDAVIT WITH THE COUNTY EXECUTIVE COMMITTEE OF THE PERSON’S POLITICAL PARTY UNDER SPECIFIED TIME FRAMES, TO PROVIDE FOR THE FILING OF THE AFFIDAVIT BY PETITION CANDIDATES, AND TO DELINEATE THE INFORMATION THAT THE AFFIDAVIT MUST CONTAIN.

Senator LARRY MARTIN explained the committee amendment.

Senator MASSEY spoke on the committee amendment.

On motion of Senator BRIGHT, the Bill was carried over.

**THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.**

**MOTION TO RECALL LAID ON THE TABLE**

S. 450 -- Senators Bright, Bryant, Grooms, Verdin, Fair, Shoopman, S. Martin, Davis, Mulvaney, Reese, Thomas, Rose, O’Dell, Cromer, Hayes, Massey, Cleary, Jackson, L. Martin, McGill, Williams, Peeler and Ryberg: A BILL TO AMEND CHAPTER 1, TITLE 1 OF THE 1976 CODE, BY ADDING ARTICLE 5 TO ENACT THE “LIFE BEGINNING AT CONCEPTION ACT” WHICH ESTABLISHES THAT THE RIGHT TO LIFE FOR EACH BORN AND PREBORN HUMAN BEING VESTS AT FERTILIZATION, AND THAT THE RIGHTS OF DUE PROCESS AND EQUAL PROTECTION, GUARANTEED BY ARTICLE I, SECTION 3 OF THE CONSTITUTION OF THIS STATE, VEST AT FERTILIZATION FOR EACH BORN AND PREBORN HUMAN PERSON.

Senator BRIGHT moved to recall the Bill from the Committee on Judiciary.

Senator McCONNELL argued contra to the motion.

On motion of Senator LEVENTIS, with unanimous consent, the remarks by Senator McCONNELL were ordered printed in the Journal of April 13, 2010.

**Remarks by Senator McCONNELL**

The Bill is not actually in the Senate Judiciary Committee. It’s in a Senate Judiciary subcommittee, but the Senator from Spartanburg, Senator BRIGHT, has not told you that. He is asking you to poll out of the committee a Bill that he has introduced and which is not even arguably -- isn’t even to the point of saying it’s arguably unconstitutional.

It is unconstitutional under the current law of the United States of America and the Constitution of this country. You cannot change the U. S. Constitution and the rulings of the U. S. Supreme Court in this Chamber. Now, if you want to open the wallets of South Carolina’s taxpayers and engage in the big spending of trying to undo the U. S. Constitution, then, in my opinion, you should vote with the Senator from Spartanburg to recall the Bill.

I took an oath of office to uphold the Constitution of this State and of the United States. Senator, I voted with you on the pro-life side of things to make sure of informed consent. But, let me tell you what he is attempting to push out here on this floor -- a Bill which is unconstitutional and which will land us in court where we will be sued and where the taxpayers of this State will shell out money. You and others are critical, and rightfully so, of the actions of the U. S. Congress in ignoring the Constitution and going forward with a Bill they feel their constituency would want. On the face of the Bill, it looks politically okay.

Talk to the lawyers here. They don’t even tell you, “Well, it might be the better case -- that it is unconstitutional.” They just tell you unequivocally, “It’s unconstitutional.” Let me tell you why. Take the Supreme Court cases that we have to date. Before the viability of the fetus, the Supreme Court has said that a woman has a constitutional right, under the United States Constitution, to choose to have an abortion without an undue burden. This Bill would make a doctor guilty of manslaughter or murder, if they go forward with that abortion. If a mother has to abort because of her health, where will she get a doctor to do it? There are no exceptions in this. How about a child who is raped? There is no exception in this. How about a child subject to incest? There is no exception in this. The other part of the federal Constitutional law, in a nutshell, is that after viability, you have to allow an exception for the health of the mother. This does not provide it.

The Senator is asking you, on a feel-good Bill, to make it look like those of us who stand up for the Constitution are not pro-life or don’t want to protect the unborn or something. What they are attempting to do is to push a Bill out that opens the taxpayers’ wallets to lawsuits and which, in my opinion, violates my oath of office. When I clearly know that what the U. S. Supreme Court has spoken to, I cannot change that in this Chamber. Not one of you in here can. We can’t do it with our State Constitution. Where the State Constitution was equal to or pre-empted the federal Constitution -- that disappeared with the 14th Amendment. That ended it, and you are bound by what the U. S. Supreme Court says.

To sit here and ask for a roll call vote and make these Senators go and vote and then parade that Bill out like they are against protecting the unborn, in my opinion is wrong, when it isn’t even a case of argument. It is clearly and unequivocally unconstitutional, and I don’t know how else to make this clear to this body. I hope the people of South Carolina hear what I am saying. There are no exceptions in here. What is going to happen? An undue burden? Yes, it’s an undue burden. A doctor is going to be charged for anything from manslaughter to murder. I want you to understand this, because I am not going to be cast in the mold that I am insensitive on this about life. I am bound by the Constitution. What you hear all over the political spectrum from people across this State is that they are tired of politicians spinning and doing what politically is convenient. If the Constitution says you can’t do it, you can’t do it. If this was an arguable case, it would be arguable. I wouldn’t even check with the staff on this. It is not an arguable point. There are cases on this. If you don’t like what the Supreme Court does, you have to change the Supreme Court, and that to me is a sad case in this country where our Constitution gets reinterpreted by the political trade winds of who is on the U. S. Supreme Court.

In either case, that’s the boat that we are in, but I want to make it clear -- you asked for a roll call vote, and I’m recorded today as voting to uphold the Constitution as best I understand it. I am not opening the taxpayers’ wallets to another lawsuit and allowing the lawyers to get rich off suing us on a Bill that doesn’t have the chance of a snowball in July of living.

Senator COURSON: I think it is important that we revisit what we have done in South Carolina on this issue. We passed parental consent several years ago. We passed informed consent. We passed third trimester. We passed the issue of the 24-hour. Are you aware that we have reduced the number of abortions in the Palmetto State by roughly more than half in the past 20 years because of the actions of this General Assembly? Are you aware of that?

Senator McCONNELL: Yes, and I would tell you that we have gone right up to the limit of everything constitutionally we could do on informed consent and everything else. Some of us on the pro-life side get into disagreement, because of the life of the mother, incest and rape. I think the Senator from Lexington put it eloquently up here. A child out of a rape is not a gift from God.

Senator COURSON: Again, do you think it’s important that the people of South Carolina understand that, within the confines of the Supreme Court and the Constitution, we have passed legislation that significantly reduced the number of abortions in the Palmetto State?

Senator McCONNELL: That is correct. We have created informed consent. Before viability, there is a constitutional right to choice without an undue burden based on the U. S. Supreme Court. After viability, according to the court, you have to allow the exception for the health of the mother. If you want to outlaw it completely, that has to come on the federal level. It cannot come in this General Assembly. And, as short as we are on resources, to set us up for a sure lawsuit is wrong, and I just want to state my case.

I am not going to vote to report it out, because I wouldn’t vote to pass it and because it’s unconstitutional. I’m not going to violate my oath of office, and there is no way that I could clear my conscience and say, “Oh, you can spin this and say maybe it is.” This is one of those “got you” votes that is being put out there to put people on record as though you are either for abortion or against it. I’m simply telling you it’s not that simple. To me, it’s a case of do I go by what the U. S. Supreme Court has said the U. S. Constitution mandates?

I also just want to make it clear that the Senator from Lexington, Senator KNOTTS, is the subcommittee chairman, and I understand the political ambush that is going on here right now. But, I wanted to get up and make the case, because I hear criticism about the U. S. Congress and the fact that they violate the Constitution and now, we turn around for political convenience to say we are going to violate it, too. That, to me, ladies and gentlemen of the Senate and the guests that are here, is not the way for us to move forward. We have issues piled up on this Calendar that need addressing before we leave here that are constitutionally within this body’s ability to chart the future, but this is one that is not in our hands.

It’s one of those “got you” votes where they will try to put you on record misleadingly. I want to make this statement and put it on record: I’m not going to vote to bring the Bill out of here. This Calendar is already 50 something pages. I’m not going to vote for the Bill, so why would I bring it to the floor? It’s clearly, clearly, clearly unconstitutional.

I would draw your attention to the language of this Bill that says the rights guaranteed by Article I, Section III of the Constitution of this State that “no person shall be deprived of life without due process of law nor shall any person be denied the equal protection of the laws” vests at fertilization. I understand the Senator from Spartanburg’s passion on this, but we have to come to a reality, and the reality is that the U. S. Supreme Court has spoken. The Constitutional law is set. We have done all that we can do within the confines of the Constitutional law in this State that I know of to move forward, and I’m just simply not going to turn around and have a vote here on a roll call and have it be interpreted in a different way.

I am going to vote to uphold my oath of office and that is until I have some legal counsel tell me this is a debatable question; it’s not. It’s unconstitutional and any of you who take the time to think about it know -- even if you want to vote for it -- it’s not the proper thing to do, when you know all you’re doing is opening the wallets of the hard-working people that are out all over this State today. You are opening their wallets to a raid by lawsuits. So, please stand advised.

Thank you.

On motion of Senator LEVENTIS, with unanimous consent, the remarks of Senator McCONNELL were ordered printed in the Journal.

Senator BRIGHT spoke on the motion.

Senator KNOTTS spoke on the motion.

**Remarks by Senator KNOTTS**

Thank you Mr. PRESIDENT.

Gentlemen, I wasn’t even going to rise to speak to this issue, but I felt obligated to.

As you just noticed a few minutes ago, a note was sent in here to the Senator from Spartanburg concerning the information that he had given about the two states that had passed legislation. The Senator was asked very clearly, “Have they passed and with no legal challenge?” He had the podium. It is a Senator’s duty to the other Senators and in respect to this body that if misinformation is given, it be corrected as soon as possible. The note that was sent in by one of the pro-lifers -- the one that carries the signs that we see in here every day -- said that the information that was given from this podium about the two states that had passed this legislation was incorrect. The note clearly says those states have not passed it in both bodies; it is not the law of those two states.

Now, it is in my subcommittee and I have also checked into it. I am pro-life when it comes to abortion with the exception of the life and death of the mother, incest and rape. I’m probably the only person in this body that was ever a rape investigator. I’ve looked into the eyes of a woman who has been raped and the horror that she’s been through including the fact that she’s scared to death that she’s going to be pregnant, that she will be carrying the genes of the rapist with the baby that’s in her body and she’s going to have to make a decision as to whether to keep it or abort it. That’s a hard decision for a woman, but it is that woman’s choice.

You can’t be for this Bill and be for the death penalty when you have a person that has murdered someone and is sentenced to death in the electric chair or by lethal injection. You can’t be for both. There are people on this earth who in my opinion are not “all God’s children.” There are people on this earth who are the devil’s imps. A rapist is nothing but the work of the devil and as I stated the other day: Psalm 27:3 “Behold a child is a gift from God and the fruits of the womb are a reward from him.” I’ll submit to you, I clearly submit to you, that God does not use a rapist to deliver his gift in the womb of a woman. He doesn’t send a devil’s imp to deliver his reward and his gift to women.

Now, this Bill -- like the Senator from Charleston said -- is unconstitutional and there is nothing that the State can do about it. This argument needs to be on the floor of Congress and the United States Senate. They need to put the people on the United States Supreme Court will change the outcome of *Roe vs. Wade* if that is the obstacle. But I submit to you, I also heard something else that the Senator from Spartanburg said.

If you noticed, he said, “I’ll be here next year probably in April or May.” I don’t know what it tells you all but it tells me exactly what I have suspected all along. Last year we were held up at the end of Session on something that we couldn’t make a hill of beans on, that we couldn’t do anything about, that brought controversy to this whole body and basically put us at a standstill and a lot of good legislation had to wait to get passed. This is not something that we need to take up at this point with the amount of time we have left. The controversy that it brings with it -- knowing full well that it is unconstitutional to start with.

Now if it was a question that needed to be answered that had not been answered before, I would have a subcommittee hearing on it tomorrow. But it is unconstitutional. I’ve been told it is unconstitutional, not just by the attorneys at the State House, but by private lawyers who I have asked. I will not stand here and allow this body to pass this legislation because it’s a political threat to where they stand on pro-life. You can be pro-life and talk about it; but, until it happens to you -- you haven’t walked in the shoes of that woman who has been raped. You haven’t walked in the shoes of that husband who is fixing to lose a wife or a child and he has to make a decision. It’s not an easy decision.

I had two girls by my wife and childbirth is a joyous occasion when you plan it; but, it’s not a joyous occasion when you have a child who is 13 years old who has been raped and is pregnant. It is not a joyous occasion when you have the responsibility of that child and you have to live with her emotions for the rest of her life and send her to the doctor, put her through the court system to go and testify as to what happened to her and relive that horrible moment in her life. I’ve seen it. I’ve seen it firsthand. I’ve sat beside those fathers and mothers and I’ve talked fathers out of killing the man who did it. They actually didn’t want to try him; they wanted to kill the man who did it. They wanted to cut his groins out and hang them in a tree so he wouldn’t do it again. That’s how mad people get when it happens to them.

We can’t let this body be divided and we can’t start letting information be given to this body from this podium that isn’t accurate ‑- while saying that it’s accurate -- after you were passed a note that says this has not passed both houses in the two states that you are talking about. I’m sorry Senators, but if it had been me and I got that note and I had made an error, I would have manned up to this podium and said, “Gentleman, I am sorry but that information I just gave you was wrong.” I would not take my seat and leave this podium knowing that I had given false information from my lips to this body and forced this body into a vote on an issue of this magnitude.

And, yes, I’m fired up about this and I’m going to stay fired up about it. This is something that shouldn’t bring this body apart at this time in this second year of this legislative session. We’ve got schools to talk about. We’ve got budgets to talk about. We’ve got a lot of things to talk about. Last year it was a Resolution to send to Congress that Congress wouldn’t even answer if they got it. Something we couldn’t do anything about. This is another one of those issues and I’m telling you that I’m not going to vote for it and I’m not ever going to vote for it -- especially to be brought up in this session at this time.

Thank you.

On motion of Senator LEVENTIS, with unanimous consent, the remarks of Senator KNOTTS were ordered printed in the Journal.

**Expression of Personal Interest**

Senator BRIGHT rose for an Expression of Personal Interest.

Senator GROOMS spoke on the motion.

Senator CAMPSEN spoke on the motion.

Senator LEVENTIS spoke on the motion to recall.

Senator HUTTO moved to table the motion to recall.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 24; Nays 18**

**AYES**

Alexander Anderson Campbell

Campsen Cleary Coleman

Courson Cromer Elliott

Hutto Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry* McConnell

Nicholson O’Dell Peeler

Pinckney Scott Setzler

**Total--24**

**NAYS**

Bright Bryant Davis

Fair Grooms Hayes

Jackson *Martin, Shane* Massey

McGill Mulvaney Reese

Rose Ryberg Shoopman

Thomas Verdin Williams

**Total--18**

The motion to recall the Bill was tabled.

**Statement by Senator LARRY MARTIN**

I am not a member of the subcommittee to which the Bill, S. 450, was referred, but I do respect the committee process and the wishes of the committee chairman.  Also, I have great respect for Sen. McCONNELL and Sen. CAMPSEN’s legal opinion, both of whom are pro-life, that the Bill is unconstitutional.  Therefore, I do not support recalling this Bill to the Senate Floor at this time without benefit of consideration by the committee.

**MOTION ADOPTED**

On motion of Senator McCONNELL, the Senate agreed that, when the Senate adjourns today, it stand adjourned to meet at 11:45 A.M. on Wednesday, April 14, 2010, for the purposes of attending the Joint Assembly and, upon the conclusion of the Joint Assembly, the Senate would stand in recess until 2:00 P.M.

**Point of Order**

Senator LARRY MARTIN raised a Point of Order under the provisions of Rule 33 that the time allotted for the Motion Period had expired.

The PRESIDENT sustained the Point of Order.

**MOTION ADOPTED**

On motion of Senator ROSE, with unanimous consent, the Senate stood adjourned out of respect to the memory of the Honorable Patrick Joseph Murphy of Summerville, S.C., former Magistrate Court Judge in Dorchester County, veteran of the United States Navy retiring as Lieutenant Commander, and community leader. Judge Murphy was a loving husband to his wife, Barbara, who had predeceased him, and a devoted father of Patrick, Cindy, Diane, Christopher and Michael, and doting grandfather of 14 and great-grandfather of 5.

and

**MOTION ADOPTED**

On motion of Senators COURSON, SETZLER, ALEXANDER, ANDERSON, BRIGHT, BRYANT, CAMPBELL, CAMPSEN, CLEARY, COLEMAN, CROMER, DAVIS, ELLIOTT, FAIR, FORD, GROOMS, HAYES, HUTTO, JACKSON, KNOTTS, LAND, LEATHERMAN, LEVENTIS, LOURIE, MALLOY, LARRY MARTIN, SHANE MARTIN, MASSEY, MATTHEWS, MCCONNELL, MCGILL, MULVANEY, NICHOLSON, O'DELL, PEELER, PINCKNEY, RANKIN, REESE, ROSE, RYBERG, SCOTT, SHEHEEN, SHOOPMAN, THOMAS, VERDIN and WILLIAMS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Michael J. Mungo of the St. Andrews area of Lexington County, S.C., a long-time member of the University of South Carolina Board of Trustees and a residential builder/developer who passed away Sunday, April 11, 2010. Mr. Mungo is survived by his two sons, Stewart and Steven.

**ADJOURNMENT**

At 2:19 P.M., on motion of Senator LARRY MARTIN, the Senate adjourned to meet tomorrow at 11:45 A.M.

**Recorded Vote**

Senators BRIGHT and BRYANT desired to be recorded as voting against the motion to adjourn.

\* \* \*